

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-39. OMI

Sec. 3-9-39. Office, medical and institutional (OMI).

- ~~(a) Intent. The office, medical and institutional (OMI) district is intended for professional and business offices and institutional and cultural activities.~~
- ~~(b) Permitted principal uses and structures. The following uses and structures are permitted in this district:~~
- ~~(1) Professional and business offices.~~
 - ~~(2) Hospitals and nursing homes, but no such facility shall have a lot area less than two and one-half (2.5) acres.~~
 - ~~(3) Medical and dental clinics.~~
 - ~~(4) Art galleries, libraries, museums, community centers, publicly owned recreational facilities, and theaters for live stage productions.~~
 - ~~(5) Laboratories, class 3, provided central sewer is available.~~
 - ~~(6) Houses of worship, in accordance with section 3-9-80.1~~
 - ~~(7) Elementary, middle and high schools.~~
 - ~~(8) Public parks, playgrounds and buildings.~~
 - ~~(9) Dance, art, music and photographic studios.~~
 - ~~(10) Funeral homes and crematoria.~~
 - ~~(11) Private clubs.~~
 - ~~(12) Animal hospitals, provided the boarding of animals occurs in completely enclosed buildings.~~
 - ~~(13) Child and adult day care facilities and group home facilities.~~
 - ~~(14) Adult congregate living facilities.~~
 - ~~(15) Holistop in conjunction with hospitals.~~
 - ~~(16) Emergency services.~~
 - ~~(17) Model homes, in compliance with section 3-9-87~~
 - ~~(18) Multiple family, two family and single family dwelling units excluding mobile homes.~~
- ~~(c) Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.~~
- ~~(d) Prohibited uses and structures. Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.~~
- ~~(e) Special exceptions. (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:~~
- ~~(1) Colleges and universities.~~
 - ~~(2) Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings.~~
 - ~~(3) Sanitariums.~~
 - ~~(4) Detoxification centers, substance abuse centers and halfway houses which comply with state and federal regulations.~~
 - ~~(5) Pain management clinics.~~

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~~(6) Heliports or helistops.~~

~~(7) Essential services.~~

~~(8) Such other uses as determined by the zoning official or his/her designee to be:~~

~~a. Appropriate by reasonable implication and intent of the district.~~

~~b. Similar to another use either explicitly permitted in that district or allowed by special exception.~~

~~c. Not specifically prohibited in that district.~~

~~The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations. It is expressly intended by these regulations that any use permitted as a principal use or by special exception in another zoning district or districts which is not specially listed in this section is excluded by its omission and cannot be a special exception considered or approved by the board of zoning appeals as one permitted by reasonable implication and intent of the district.~~

~~(f) *Development standards.* The following development standards shall apply in this district:~~

~~Minimum lot requirements:~~

~~Area, square feet7,500~~

~~Width, feet80~~

~~Minimum yard requirements:~~

~~Front yard, feet25~~

~~Side yard:~~

~~Interior, half the building height but not less than seven and one-half (7½) feet.~~

~~Abutting a road, half the building height but not less than fifteen (15) feet.~~

~~Rear yard:~~

~~Abutting another lot, half the building height but not less than fifteen (15) feet.~~

~~Abutting a road, feet25~~

~~Side and rear yard abutting water, minimum feet20~~

~~Maximum lot coverage, percent35~~

~~Maximum building height, sixty (60) feet (all buildings higher than 38 feet require special exception).~~

~~Maximum density units per acre10~~

~~If an OMI district abuts a residential district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than twenty-five (25) feet or the building height, whichever is greater.~~

~~Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended.~~

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~~Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.~~

~~(g) *Signs*. Signs shall be in accordance with section 3-9-95~~

~~(Minutes of 12-8-81, § 7; Res. No. 87-78, § 19, 5-19-87; Res. No. 87-254, § 21, 10-28-87; Ord. No. 89-34, § 13, 5-31-89; Ord. No. 91-08, §§ 1-3, 2-26-91; Ord. No. 91-51, § 1, 10-1-91; Ord. No. 94-55, §§ 23-25, 11-3-94; Ord. No. 2001-031, § 1(j), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02; ;hn0; Ord. No. 2011-030, § 2, 7-26-11)~~

~~Editor's note~~

~~These provisions were formerly found in § 3-9-37. The provisions of former § 3-9-39 are now found in § 3-9-42~~

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Sec. 3-9-39. Office Medical Institutional (OMI)

(a) Intent. The purpose and intent of this district is to allow professional and business offices, as well as institutional and cultural activities. Although this district may allow both residential and non-residential uses, it is not a mixed-use district, and it is the further intent of this district that individual lots be developed with a single use.

(b) Permitted Uses (P) and Structures:

(1) Art, dance, music, photo studio or gallery.

(2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate Living Facilities)

(3) Bank, financial services.

(4) Business services.

(5) Day care center, child.

(6) Elementary, middle, or high school.

(7) Emergency services.

(8) General offices.

(9) Government uses and facilities.

(10) Homeless shelter.

(11) Hospital.

(12) Medical or dental office, clinic.

(13) Minor Home Occupation. (see Sec. 3-9-75. Home Occupations)

(14) Model home. (see Sec. 3-9-79. Model Homes)

(15) Nursing home.

(16) Pain management clinic. (see Sec. 3-9-81. Pain Management Clinics)

(17) Park, public or not-for-profit.

(18) Personal services.

(19) Place of Worship. (see Sec. 3-9-83. Places of Worship)

(20) Professional services.

(21) Sanitariums.

(22) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-69. Communication Towers)

(23) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-69. Communication Towers)

(24) University or college.

(25) Vocational, trade, or business school.

(c) Permitted Accessory Uses and Structures: Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including but not limited to:

(1) Fences or walls may be permitted prior to the principal uses and structures.

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For residential development:

(1) Boat lifts.

(2) Carports, garages, and storage structures.

a. Detached accessory structures greater than 250 square feet in area shall be compatible in appearance with the primary residence, at a minimum, materials and color shall be compatible with the primary residence.

c. Detached accessory structures shall be located behind the leading edge of the living area of the residence except carports and garages, but must maintain required setbacks.

d. Construction trailers and cargo containers are prohibited.

For single-family development, additionally, the following requirements shall apply:

a. The total area of all detached accessory structures shall not exceed 10% of the parcel size or 1,000 square feet, whichever is greater.

(3) Keeping of pets, excluding animal breeding, boarding, and training.

(4) Noncommercial boat docks and boat ramps.

(5) Swimming pools, tennis courts, or other similar noncommercial recreational uses and structures.

(d) Conditional Use (C): (For rules and regulations for any use designated as a Conditional Use or Structure, see Sec. 3-9-71. Conditional Uses and Structures)

(1) Animal hospital, boarding facility.

(2) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult Congregate Living Facilities)

(3) Detox center and substance abuse center.

(4) Duplex or triplex.

(5) Laboratories, class 1, 2, 3.

(7) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.

(8) Multifamily.

(10) Private off-site parking.

(11) Single-family attached or detached. Detached single-family homes may or may not have a guest suite that is structurally attached with or without cooking facilities.

(14) Transitional / halfway housing.

(e) Prohibited Uses and Structures: Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception shall be unlawful in this district.

(f) Special Exceptions (S): (For procedure see Sec. 3-9-6.2. Special Exceptions)

(1) All conditional uses and structures that cannot meet all conditions set forth in this Code.

(2) Essential services. (see Sec. 3-9-72. Essential Services)

(3) Heliport, helistop.

(4) Major Home Occupation. (see Sec. 3-9-75. Home Occupation)

(5) Paid or public parking lot, garage, structure.

(6) Such other uses as determined by the Zoning Official or his/her designee to be:

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- a. Appropriate by reasonable implication and intent of the district.
- b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
- c. Not specifically prohibited in that district.

The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning Appeals. It is expressly intended by these regulations that any use permitted as a principal use or by Special Exception in another zoning district or districts which is not specially listed in this section is excluded by its omission and cannot be a special exception considered or approved by the BZA as one permitted by reasonable implication and intent of the district.

(g) Development Standards:

<u>Lot (min.)</u>	
Area (sq. ft.)	<u>7,500</u>
Width (ft.)	<u>80</u>
<u>Setbacks (min. ft.)</u>	
Front	<u>10</u>
Side (interior) for Multi-family or Non-residential Development	<u>Half the building height, but not less than 7.5</u>
Side (interior) for Single-family Development	<u>7.5</u>
Side (street)	<u>10</u>
Rear (interior)	<u>10</u>
Rear (street)	<u>10</u>
Abutting water	<u>20</u>
<u>Bulk (max.)</u>	
Lot Coverage of All Buildings	<u>40%</u>
Height (ft., non-residential uses, residential uses with special exception)	<u>60</u>
Height (ft., residential uses)	<u>38</u>
Density (units/acre)	<u>10</u>

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Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5, of the Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-89, Waterfront Property.

(h) Signs. Signs shall be in accordance with Sec. 3-9-86.

(i) Off-street parking. Off-street parking shall be in accordance with Sec. 3-9-80.